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a writ of error shall assign errors, etc., and Court of Appeals rule 2 (57 S. E. xiv), requiring a clear and concise printed brief of the points intended to be insisted on by a party to a writ of error.

[Ed. Note.—For other cases, see Appeal and Error, Dec. Dig. § 362.* 1 Va.-W. Va. Enc. Dig. 503.]

9. Appeal and Error (§ 362*)—Proceedings for Transfer—Petition for Writ of Error—Nature.—A petition for a writ of error is in the nature of a pleading, and must state clearly and distinctly the errors relied on to reverse the judgment.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 1960, 1961; Dec. Dig. § 362.* 1 Va.-W. Va. Enc. Dig. 503.]

10. Master and Servant (§ 278*)—Injuries to Servant—Actions—Evidence.—In an injury action by a servant, evidence held sufficient to sustain a judgment for plaintiff.

[Ed. Note.—For other cases, see Master and Servant, Dec. Dig. § 278.* 9 Va.-W. Va. Enc. Dig. 725.]

Judgment affirmed. All the judges concur.

ATLANTIC COAST LINE R. CO. *v.* BRYAN.

June 10, 1909.

[65 S. E. 30.]

1. Carriers (§ 159*)—Loss of Goods—Notice of Claim—Reasonableness of Requirement.—A provision in a bill of lading that, in case the goods shipped are lost, a claim for the "loss or damage must be made in writing to the agent at the point of delivery promptly after the arrival of the property, and if delayed more than 30 days after * * * due time for delivery thereof," the carrier shall not be liable in any event, is reasonable.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. § 670; Dec. Dig. § 159.* 14 Va.-W. Va. Enc. Dig. 187.]

2. Words and Phrases—“Waiver.”—A “waiver,” to operate as such, must arise either by contract or by estoppel; and, if by contract, it must be supported by such a valuable consideration as will support any other contract.

[Ed. Note.—For other definitions, see Words and Phrases, vol. 8, pp. 7375-7381, 7831, 7832. 3 Va.-W. Va. Enc. Dig. 417.]

3. Estoppel (§ 58*)—Effect of Conduct.—To effect an estoppel by conduct, the person sought to be estopped must have caused the other person to occupy a more disadvantageous position than that which he would have occupied except for such conduct.

[Ed. Note.—For other cases, see Estoppel, Cent. Dig. §§ 144, 145; Dec. Dig. § 58.* 5 Va.-W. Va. Enc. Dig. 271, 272.]

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.

4. Carriers (§ 159*)—Loss of Goods—Notice of Claim.—The mere inquiry by the consignee requesting the property shipped to be traced, and stating what he supposed the value of the property to be, is not a compliance with the provision of a bill of lading that “claims for loss or damages must be made in writing * * * promptly after the arrival of the property, and if delayed more than 30 days after * * * due time for delivery thereof.”

[Ed. Note.—For other cases, see Carriers, Dec. Dig. § 159.* 14 Va.-W. Va. Enc. Dig. 187.]

5. Carriers (§ 158*)—Loss of Goods—Notice of Loss—Waiver.—The act of the carrier in sending a tracer for a lost shipment, after its exemption from liability had attached under a provision of the bill of lading, was not a waiver of its right to claim such exemption if the goods are not located.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 697-719; Dec. Dig. § 156.* 14 Va.-W. Va. Enc. Dig. 187.]

6. Carriers (§ 158*)—Loss of Goods—Notice of Claim—Waiver.—On receiving notice of a claim for lost goods after the time limited by the bill of lading for making such claim, the carrier’s agent asked for certain information, and stated that “promptly on receipt of these documents the matter will receive attention.” Held not a waiver of the delay in making the claim.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 697-719; Dec. Dig. § 156.* 14 Va.-W. Va. Enc. Dig. 187.]

7. Words and Phrases—“Waiver.”—A person is not bound by a “waiver” of his rights unless it be made with knowledge of the rights he intends to waive, and the fact that he intends to waive them must be made to appear.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 637.]
Judgment reversed. All the judges concur.

SLINGLUFF *v.* COLLINS.

June 10, 1909.

[64 S. E. 1055.]

1. Execution (§ 335*)—Return—Necessity of Signature.—Under Code 1904, § 900, providing that an officer to whom process is directed shall make return thereon and subscribe his name to such return, and section 3577, providing that any return by an officer on an execution showing that the same has not been satisfied shall be a sufficient return, an unsigned return to an execution, reciting that no property could be found to levy on, is not a nullity, in view of other sections

*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.